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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

UNITED STATES OF AMERICA,

Plaintiff,

v.

Sickle, James

Defendant(s)

CR 05-162-KI

DETENTION ORDER

(Violation of Pretrial Release, Probation or Supervised Release)

Violation of Pretrial Release

- ☐ After a hearing pursuant to 18 USC § 3148 (violation of pretrial release order), the court finds that:
- ☐ there is probable cause to believe the defendant has committed a federal, state or local crime while on release and has not rebutted the presumption that his/her release will endanger another or the community, *or*
☐ there is clear and convincing evidence that defendant has violated another condition of release, *or*,
☐ the defendant stipulates he/she violated a condition of release, *and*
 - ☐ based on the factors set forth in 28 USC § 3142(g), there is no condition or combination of conditions of release that will assure that defendant will not flee or pose a danger to the safety of another person or the community *or*
☐ defendant is unlikely to abide by any condition or combination of conditions of release.

Violation of Probation or Supervised Release

☒ After a preliminary hearing (or waiver thereof) pursuant to FRCrP 32.1(a)(1) and/or FRCrP 46(c) and 18 USC § 3143 (violation of probation or supervised release), the court finds that there is probable cause to hold defendant for a revocation hearing and that defendant has not met his/her burden of establishing by clear and convincing evidence that he/she will not flee nor pose a danger to another person or to the community.

THEREFORE, IT IS ORDERED pursuant to 18 USC § 3142(i)(2)-(4) that:

- ☐ Defendant's pretrial release is revoked and defendant is detained pending trial.
☒ Defendant is detained pending a probation/supervised release revocation hearing.
- Defendant is committed to the custody of the Attorney General for confinement in a corrections facility separated, as far as practicable, from persons awaiting or serving sentences or being held in custody pending appeal;
- Defendant shall be afforded a reasonable opportunity for private consultation with his counsel;
- The superintendent of the corrections facility in which defendant is confined shall make the defendant available to the United States Marshal for the purpose of appearance in connection with any court proceeding.

DATED: June 6, 2005


United States District/Magistrate Judge